

IN RE: PETITION FOR ZONING VARIANCE
NW/Corner Joppa Road and
Snyder Lane
11th Election District
5th Councilmanic District
Logos Construction Co., Inc.
Petitioner

ORDER OF DISMISSAL

Pursuant to receipt of a Voluntary Dismissal request from Counsel for the Petitioner,
IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of April, 1988 that the above-referenced matter be and is hereby DISMISSED without prejudice.

JRH:bjs
cc: Robert J. Ryan, Esquire
Moore, Carney, Ryan & Lattanzi
4111 E. Joppa Road, Baltimore, Md. 21236
People's Counsel
File

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 52695
DATE 6/16/88 ACCOUNT R. Ryan
AMOUNT \$ 72.36
RECEIVED
FOR BALANCE OF
B 145*****72204 11/14/88 435-A
VALIDATION OR SIGNATURE OF CARRIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Mr. Thomas Ryan
Logos Construction Company, Inc.
12101 Belair Road
Kingsville, Maryland 21087

Re: Petition for Zoning Variance
Case number 88-433-A
NW/Corner Joppa Road and Snyder Lane
11th Election District - 5th Councilmanic District
Petitioner(s): Logos Construction Company, Inc.
HEARING SCHEDULED: MONDAY, APRIL 25, 1988 at 9:00 a.m.

Dear Mr. Ryan:

Please be advised that \$72.36 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:gs
cc: Francis John Gorman, Esq.
File

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 6-201 of the Zoning Ordinance of Baltimore County, Maryland, to permit a distance between buildings of 16 feet in lieu of the required 25 feet.

See attached sheet.

advised as prescribed by Zoning Regulations.
of above Variance advertising, posting, etc. upon filing of this petition to be bound by the zoning regulations and restrictions of the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
LOGOS CONSTRUCTION COMPANY, INC.
(Type & Print Name)
Signature: Thomas Ryan
(Type or Print Name)

Signature

12101 Belair Road
Address Phone No.

Kingsville, Maryland 21087
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address Phone No.

Baltimore, Maryland 21236
City and State

Attorney's Telephone No.: 529-4600

Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day of April, 1988.

that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106 of the County Office Building in Towson, Baltimore County, on the 25th day of April, 1988, at 9:00 o'clock A.M.

ESTIMATED LENGTH OF HEARING - 1/2 hr.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS (over)
ALL OTHER
REVIEWED BY: C.R. DATE 1/8/88

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

MAR 04 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
Case number 88-433-A
NW/Corner Joppa Road and Snyder Lane
11th Election District - 5th Councilmanic District
Petitioner(s): Logos Construction Company, Inc.
HEARING SCHEDULED: MONDAY, APRIL 25, 1988 at 9:00 a.m.

Variance to permit a distance between building of 16 feet in lieu of the required 25 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Logos Construction Company, Inc.
Francis John Gorman, Esq.
File

1. Under Hardship: The models planned for the Brookhurst II development are identical to the Brookhurst I development already approved by the county and constructed. The property was sold to LOGOS CONSTRUCTION COMPANY by William Akehurst with the understanding that the developments would be identical and, with that condition, Mr. Akehurst bought into the development of Brookhurst II. The resulting change in interpretation of Zoning Policy RM-6 negates the design for Brookhurst II and results in a loss due to a reduced number of houses of over Two Hundred Fifty thousand dollars (\$250,000.00).

2. Practical Difficulty: The owner of Brookhurst II has a design purchased at great expense for the Brookhurst I and II developments. The change in interpretation of RM-6 will require that completely new houses be designed and will result in the two sections of the development to be substantially different from each other. The resulting loss of houses would require that the homes in Brookhurst II be substantially more expensive than those in Brookhurst I and inconsistent with the neighborhood as a whole.

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD. April 7, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on April 7, 1988.

THE JEFFERSONIAN,

Brian Sander Shultz
Publisher

33.75

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Zoning Variance
Case number 88-433-A
NW/Corner Joppa Road and Snyder Lane
11th Election District - 5th Councilmanic District
Petitioner(s): Logos Construction Company, Inc.
HEARING SCHEDULED: MONDAY, APRIL 25, 1988 at 9:00 a.m.
Variance to permit a distance between building of 16 feet in lieu of the required 25 feet.
I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Signature: Thomas Ryan
(Type or Print Name)

Description to Accompany a Petition
For a Special Hearing and Variance.

September 28, 1987
RE: Brookhurst
Section II

Point of beginning being located North 49° East 262 feet from the point of intersection of the centerlines of Camellia Road and Cornflower Road, thence in a clockwise direction:

- 1) South 73° 9' West 667.21 feet
- 2) South 38° 49' West 176.8 feet
- 3) South 31° 24' West 218.7 feet
- 4) North 88° 45' West 36.6 feet
- 5) North 86° 45' West 50.00 feet
- 6) South 74° 44' West 50.00 feet
- 7) South 62° 34' West 50.00 feet
- 8) South 52° 34' West 50.00 feet
- 9) South 50° 55' West 50.00 feet
- 10) South 50° 49' West 50.00 feet
- 11) South 58° 49' West 50.00 feet
- 12) South 64° 49' West 50.00 feet
- 13) South 72° 34' West 50.00 feet
- 14) South 80° 4' West 50.00 feet
- 15) South 86° 4' West 50.00 feet
- 16) South 89° 49' West 50.00 feet
- 17) North 87° 11' West 50.00 feet
- 18) North 81° 48' West 51.8 feet
- 19) North 75° 09' West 142.40 feet
- 20) North 1° 28' East 65.90 feet
- 21) North 49° 58' East 372.92 feet
- 22) South 43° 43' East 197.87 feet and
- 23) North 20° 49' East 486.7 feet to the place of beginning.

Containing 10.5 acres of land more or less.

(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY)



MOORE, CARNEY, RYAN & LATTANZI
ATTORNEYS AT LAW
4111 E. JOPPA ROAD
BALTIMORE, MARYLAND 21236

April 5, 1988

ZONING OFFICE

J. Robert Haines, Esquire
Zoning Commissioner of Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Variance for Brookhurst II Submitted
By Logos Construction Company, Case No. 88-433-A

Dear Mr. Haines:

Please strike the appearance of Francis John Gorman as an attorney for Logos Construction Company and enter my appearance in his place.

Logos Construction Company has decided to redesign its houses for the lots and, consequently, the zoning variance will not be needed. My client has instructed me to withdraw the Petition for Zoning Variance. Please cancel the hearing scheduled for April 25, 1988 at 9:00 A.M. and note on the file that the petition has been withdrawn. If there is any further information you need from me in connection with this withdrawal, please feel free to contact me.

Very truly yours,

Robert J. Ryan

JRH:rl

cc: Logos Construction Company

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 1st day of February, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
Petitioner: Logos Construction Co., Inc.
Petitioner's Attorney: Francis J. Gorman
Received by: James E. Ryan
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commission
Date: April 1, 1988
P. David Fields
FROM: Director of Planning and Zoning
Zoning Petition Nos. 88-431-A,
88-415-A, 88-418-A, 88-430-A,
SUBJECT: 88-431-SHA, 88-435-A, 88-432-A

There are no comprehensive planning factors requiring comment on this petition.

P. David Fields
Director

PDF:JGH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

RECEIVED
APR 6 1988
ZONING OFFICE

cc: Francis John Gorman, Esq.
4/6/88
CPS-008

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 405
Towson, Maryland 21204
494-3554

March 2, 1988

Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

Item No. 274 - ZAC - Meeting of February 9, 1988
Property Owner: Logos Construction Co.
Location: NW/C Joppa Rd. and Snyder Lane
Existing Zoning: D-1A 5.5
Proposed Zoning: Variance to permit a distance between buildings of 16' in lieu of the required 25'
Area: 10.5 acres
District: 11th Election District

Please see the C.R.G. comments for this site.

Very truly yours,
Michael S. Flanigan
Traffic Engineer Associate II

MSF/pml-b

RECEIVED
MAR 9 1988
ZONING OFFICE

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
494-3553
Arnold Lublin
Zoning Commissioner

July 29, 1987

Dennis F. Rasmussen
County Executive

Francis J. Gorman, Esquire
Moore, Carney & Ryan
406 Jefferson Building
105 West Chesapeake Avenue
Towson, Maryland 21204

RE: Brookhurst I & II
11th E.D. 5th C.D.

Dear Mr. Gorman:

I am in receipt of your letter of July 23, 1987, regarding your client's intentions of developing Brookhurst II utilizing the old height determination as approved in Brookhurst I.

When Brookhurst I was first approved by this office in June, 1985, the old average height determination was being utilized. At that time, there was some question of whether or not the proposed house designs would even meet these standards. The average height allowance could be applied to these designs, garages could be paired without windows 16 feet apart, and only the higher portions of the houses (over 20 feet) would have to meet the 25 foot or greater separation. When the lots in this development are built, the approved development plan is our guide, and this document included the average height setback detail. This document, and our original approval would control regardless of future changes in the regulations or policy manual. Obviously, this is one of the principal advantages and protections afforded by the plan approval process.

You indicated that you visited this office and presented the same house designs as originally included in Brookhurst I and that there would be a substantial loss if the new height determination was utilized. You also said that I indicated at that time that if you could demonstrate that the intention of the developer at the time of the first Brookhurst development was to develop Brookhurst II, that the chance for approval of the same height determinations would be greatly enhanced. Your recollection of my opinion at that time is too conclusive. As I remember the conversation, I indicated that unless some sort of documentation or approval by this Department could be presented that would include the Brookhurst II tract and also predate the height determination change, that setback variances would be required to continue the same building height relationships as previously approved.

Baltimore County
Fire Department
Towson, Maryland 21204-2536
494-4500

February 4, 1988

Dennis F. Rasmussen
County Executive

Re: Property Owner: Logos Construction Co.

Location: NW/C Joppa Rd. and Snyder Ln.

Item No.: 274

Zoning Agenda: Meeting of 2/9/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and restricted to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/

Francis J. Gorman, Esquire
July 29, 1987
Page 2

I am sorry if you or your client left my office with the mistaken impression that a brief letter from Mr. Akehurst (stating his intentions for purchasing both parcels in 1983) would suffice for us to grandfather the old height determination to the current tract.

The new height determination was adopted by this office after much consideration on August 22, 1985, and in the past two years, many developers and builders have benefited from the 'highest grade' allowance. After that date, we have applied this Policy RM-6 uniformly with all new subdivisions or properties under our review. If Brookhurst II was contiguous to Brookhurst I, which it isn't, and if the density, acreage, and property outline was shared on the original approval in June 1985, which it wasn't, or if there was a separate approval by this office to grandfather the height determination, which, to the best of my knowledge, has not occurred, this office would use the old standards.

Prior to writing my C.R.G. comments for Brookhurst II for the July 30, 1987 formal meeting and presenting them at the pre-C.R.G. on July 20, 1987, I checked the subdivision and miscellaneous files for any previous approvals by this office. I found none, and therefore, my comment No. 1 was written; and in the absence of any additional documentation as discussed above, my comment would stand.

I would also mention that if your client feels that this 1985 policy change would inflict a substantial hardship or practical difficulty in the development, that building setback variances should be applied for without delay, and if granted at the public hearing, that the development could proceed as presented at the July 30, 1987 C.R.G. meeting.

Very truly yours,

W. Carl Richards, Jr.
Zoning Coordinator

WCR:Jr:bhc

Enclosures (3)

cc: Mr. William Akehurst
Akehurst Landscape Service
P.O. Box 67
Perry Hall, Maryland 21128
C.R.G. File

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204
Zoning Item # 274, Zoning Advisory Committee Meeting of February 9, 1988
Property Owner: Logos Construction Co.
Location: NW/C Joppa Rd. and Snyder Lane District 11
Water Supply: meter Sewage Disposal: meter
COMMENTS ARE AS FOLLOWS:

1. Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional County Services, for final review and approval.
2. Prior to new installation of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation before work begins.
3. A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tanks (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
4. A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
5. Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional County Services, 494-3811.
6. Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other amusements pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional County Services, 494-3811.
7. Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
8. If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
9. Prior to existing structure, petitioner must contact the Division of Waste Management for review and approval. For more complete information, contact the Division of Waste Management at 494-3775.
10. Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3775.
11. Soil percolation tests, have been _____, must be _____ conducted.
12. The results are valid until _____.
13. Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
14. Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
15. In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until _____.
16. () is not acceptable and must be repeated. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
17. Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
18. If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
19. Existing private sewage disposal system must be removed, properly abandoned and backfilled.

BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 15, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Francis J. Gorman, Esquire
4111 East Joppa Road
Baltimore, Maryland 21236

RE: Item No. 274 - Case No. 88-433-A
Petitioner: Logos Construction Company, Inc.
Petition for Zoning Variance

Dear Mr. Gorman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following action is intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. The petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

cc: George William Stephens, Jr. & Associates, Inc.
P.O. Box 6828
Towson, Maryland 21204

MOORE, CARNEY, RYAN & LAITANZI
ATTORNEYS AT LAW
4111 EAST JOPPA ROAD
BALTIMORE, MARYLAND 21236

April 5, 1988

ZONING OFFICE

J. Robert Haines, Esquire
Zoning Commissioner of Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Variance for Brookhurst II Submitted
by Logos Construction Company, Case No. 88-433-A

Dear Mr. Haines:

Please strike the appearance of Francis John Gorman as an attorney for Logos Construction Company and enter my appearance in his place.

Logos Construction Company has decided to redesign its houses for the lots and, consequently, the zoning variance will not be needed. My client has instructed me to withdraw the Petition for Zoning Variance. Please cancel the hearing scheduled for April 25, 1988 at 9:00 A.M. and note on the file that the petition has been withdrawn. If there is any further information you need from me in connection with this withdrawal, please feel free to contact me.

Very truly yours,

Robert J. Ryan

RJR:cl

cc: Logos Construction Company

88-433-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
1st day of February, 1988.

J. Robert Haines
Zoning Commissioner
Petitioner: Logos Construction Co., Inc. Received by: James E. Dyer
Attorney: Francis J. Gorman Chairman, Zoning Plans
Advisory Committee